

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are pending in the present Application. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-5, 7, and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Levine (U.S. Patent No. 5,692,214) in view of Heredia et al. (U.S. Patent No. 7,065,287, hereinafter “Heredia”); and, Claim 6 stands rejected under 35 U.S.C. § 103 as being unpatentable over Levine in view of Heredia as applied to Claim 1, and further in view of Saward (U.S. Patent No. 5,537,473).

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claims 1-5, 7, and 8 under 35 U.S.C. § 103 as being obvious over Levine in view of Heredia. The Official Action asserts that Levine discloses all of the Applicants’ claimed features, with the exception of automatically obtaining code information from a server apparatus. However, the Official Action cites Heredia as disclosing this more detailed aspect of the Applicants’ invention, and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references for arriving at the Applicants’ claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information processing apparatus, including:

. . . code information acquiring means for acquiring, on the basis of said identification information acquired by said identification information acquiring means, code information for controlling said recording apparatus, said code information being automatically obtained from a server apparatus if unavailable in a local memory, said code information correspondingly employed with said control information acquired by said control information acquiring means. . .

Levine describes a system for enabling an unattended recording of a program to a video tape recording device. A television recording and receiving system (10) includes a television receiver (12), a video cassette recorder (14), and a cable tuner and descrambler box (16). A personal computer (18) is provided with an application program for implementing the program schedule for use in conjunction with the television recording and receiving system. In operation, the personal computer accesses a remote database (40) for obtaining a program schedule.<sup>1</sup> The IR unit (26) transmits control signals to the VCR for initiating a recording operation based upon a predetermined program schedule, as selected by a user. To perform a transmission function, the personal computer requires information as to the nature of the remote control codes used by the video recorder and/or the cable box. This information is provided during a routine of the application program, in which the operator keys in the identification of the make and model of the VCR and cable box.<sup>2</sup> Alternatively, the appropriate codes may be learned from operation of a remote control in conjunction with the IR sensor (32).<sup>3</sup>

Heredia describes a system (20) including audio and video subsystems (22, 24). The system (20) cooperatively controls a plurality of A/V components such as speakers, CD changers, television monitors, cable systems, etc. In order to control these components, infrared remote control codes may be obtained from an internal database, or a database on a recording medium, or by downloading from the Internet.<sup>4</sup> To this end, the system (20) includes modem (42) and Ethernet connection (40). For example, the remote control codes may be downloaded from a website such as [www.ueic.com](http://www.ueic.com).

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<sup>1</sup> Levine at Fig. 1; column 3, lines 7-53.

<sup>2</sup> Levine at column 4, lines 63-65.

<sup>3</sup> Levine at column 4, line 65 through column 5, line 7.

<sup>4</sup> Heredia at column 7, lines 36-43.

Conversely, in an exemplary embodiment of the Applicants' invention, an information processing apparatus is provided, in which code information corresponding to a recording apparatus is automatically obtained from a server if the code information corresponding to the recording apparatus is not available in a local memory of the information processing apparatus.<sup>5</sup>

There is no disclosure, or suggestion, in Heredia of code information acquiring means and its associated function of automatically obtaining code information from a server if unavailable in a local memory. There has not been any identification in the text of Heredia of any feature of modem (42), which enables an automatic download. Thus, it appears that the outstanding Office Action is relying on conjecture or unfounded assumptions in suggesting that Heredia discloses, or suggests, a code information acquiring means or that such code information acquiring means is disclosed, or suggested, by Heredia to automatically download code information. While Heredia discusses "downloading" codes from the Internet site, and notes that these codes may be downloaded on an "as needed basis". Such downloading, in view of the description provided by Heredia, is a manual procedure, performed, for example, through the use of button (404) of remote control (400).<sup>6</sup>

As neither Levine, nor Heredia, disclose or suggest automatically providing code information corresponding to a recording apparatus when that information is not available in a local memory, Applicants respectfully submit that amended Claim 1, and any claim depending therefrom, is allowable over the cited reference. As independent Claims 7 and 8 recite substantially similar limitations to that discussed above, Applicants respectfully submit that these claims, and any claims depending therefrom, are likewise allowable over the cited references.

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<sup>5</sup> Application at Fig. 5.

<sup>6</sup> See Heredia at Fig. 5.

Accordingly, Applicants respectfully request that the rejection of Claims 1-8 under 35 U.S.C. § 103 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claim 6 under 35 U.S.C. § 103 as being unpatentable over Levine in view of Heredia as applied to Claim 1, and further in view of Saward. The Official Action cites Levine and Heredia as disclosing all of the Applicants' claim limitations, with the exception of control information including a broadcast date. The Official Action cites Saward as disclosing this more detailed aspect of the Applicants' invention, and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

As noted above, the combination of Levine and Heredia do not disclose all of the elements for which it has been asserted. As Saward does not remedy the deficiency discussed above, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented. Accordingly, Applicants respectfully request that the rejection of Claim 6 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-8, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

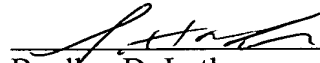
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

BDL/SAM/ys



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Scott A. McKeown  
Registration No. 42,866